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10/537,749	06/06/2005	Terry Wayne Lockridge	PU020489	5451

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EXAMINER
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MENDOZA, JUNIOR O

ART UNIT	PAPER NUMBER
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2623

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03/14/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/537,749	<b>Applicant(s)</b> LOCKRIDGE ET AL.	
	<b>Examiner</b> JUNIOR O. MENDOZA	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/06/2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 3 – 12, 14 and 16 – 20** are rejected under 35 U.S.C. 102(b) as being anticipated by Stoel et al. (Patent No 5,905,942). Hereinafter referenced as Stoel.

Regarding **claim 1**, Stoel discloses a system for providing data in a multiple dwelling facility, the system comprising:

a headend unit that receives a data stream that comprises a plurality of programs (A headend [12] may provide RF signals including off-air local television channels, direct broadcast satellite programming, standard cable subscription programming, premium tier programming, such as HBO, Cinemax, etc, event pay-per-view programming, interactive menus, video-on-demand programming, interactive video games and other interactive video or multimedia services, col. 2 lines 7-14 also exhibited on fig 1)

and a multiple dwelling unit network that is adapted to receive at least a portion of the data stream from the headend unit and provide at least a subset of the plurality of programs to individual users in the multiple dwelling facility (System [10] is installed in a

multiple dwelling unit such as an apartment complex, where each subscriber unit [16] receives content from the headend [12], col. 1 lines 66-67 and col. 2 lines 1-6 also exhibited on fig 1).

Regarding **claim 3**, Stoel discloses the system set forth in claim 1, wherein the multiple dwelling unit network comprises a switch that distributes the at least a subset of the plurality of programs to users in individual dwelling units within the multiple dwelling facility (Content is supplied from headend [12] to each individual subscriber unit [16] thought an interdiction field unit [28], which selectively jams or allows channels to the subscriber unit [16], in other words the interdiction field unit [28] switches on/off the right for a customer to get some channels based on a control data command received from the head end [12], col. 53-67 also exhibited 1).

Regarding **claim 4**, Stoel discloses the system set forth in claim 1, wherein the multiple dwelling unit network comprises a set top box in each of the individual dwelling units within the multiple dwelling facility (Subscriber unit [16] as exhibited on fig 1),

each of the set top boxes being adapted to block a specific program or permit access to the specific program depending on whether a user has met at least one predetermined condition (Content is supplied from headend [12] to each individual subscriber unit [16] thought an interdiction field unit [28], which selectively jams or allows channels to the subscriber unit [16], in other words the interdiction field unit [28] switches on/off the right for a customer to get some channels based on a control data

command received from the head end [12], col. 53-67 also exhibited 1. Moreover, each subscriber terminal has a non-volatile stored address which is associated with the subscriber in the subscriber database, col. 4 lines 42-56; where a user needs to enter a PIN in order to have access to content, col. 5 lines 28-58)

Regarding **claim 5**, Stoel discloses the system set forth in claim 1, wherein at least one of the plurality of programs comprises a premium video channel (A headend [12] may provide RF signals including premium tier programming, such as HBO, Cinemax, etc, col. 2 lines 7-14 also exhibited on fig 1).

Regarding **claim 6**, Stoel discloses the system set forth in claim 1, wherein at least one of the plurality of programs comprises a pay per view video program (A headend [12] may provide RF signals including event pay-per-view programming, col. 2 lines 7-14 also exhibited on fig 1).

Regarding **claim 7**, Stoel discloses the system set forth in claim 1, wherein the headend unit is configured to interface with a billing system that is configured to create a billing record for each of a plurality of users in the multiple dwelling facility (As a part of signing on with the cable system operator, the subscriber will provide billing information including name, address, and telephone number. That subscriber information is stored in a subscriber database. Subscriber terminal has a non-volatile stored address which is associated with the subscriber in the subscriber database, col.

4 lines 42-56; moreover, after confirmation of the PIN is completed, headend [12] creates a billing record for the purchase, col. 5 lines 59-64).

Regarding **claim 8**, Stoel discloses a method for providing access to data to individual users within a multiple dwelling facility, comprising the acts of:

receiving a data stream that comprises a plurality of programs (A headend [12] may provide RF signals including off-air local television channels, direct broadcast satellite programming, standard cable subscription programming, premium tier programming, such as HBO, Cinemax, etc, event pay-per-view programming, interactive menus, video-on-demand programming, interactive video games and other interactive video or multimedia services, col. 2 lines 7-14 also exhibited on fig 1);

distributing at least a portion of the data stream to a multiple dwelling unit network (Content is distributed to interdiction field units [28] as exhibited on fig 1);

and providing access to a specific one of the plurality of programs to each of a plurality of individual users within the multiple dwelling facility via the multiple dwelling unit network depending on whether each of the plurality of individual users has met at least one predetermined condition (System [10] is installed in a multiple dwelling unit such as an apartment complex, where each subscriber unit [16] receives content from the headend [12], col. 1 lines 66-67 and col. 2 lines 1-6 also exhibited on fig 1.

Moreover, each subscriber terminal has a non-volatile stored address which is

associated with the subscriber in the subscriber database, col. 4 lines 42-56; where a user needs to enter a PIN in order to have access to content, col. 5 lines 28-58)

Regarding **Claims 9 and 19**, they are rejected for the same reasons stated in the rejection of claim 6.

Regarding **Claims 10 and 18**, they are rejected for the same reasons stated in the rejection of claim 5.

Regarding **claim 11**, Stoel discloses the method set forth in claim 8, wherein the at least one predetermined condition comprises selecting at least one of the plurality of programs for display using an on-screen programming guide (The subscriber selects content options by viewing interactive menus on the screen of the television [44] and navigates it by pressing the keys of control remote [46]. Col. 3 lines 46-57 also exhibited on fig 2).

Regarding **Claims 12 and 17**, they are rejected for the same reasons stated in the rejection of claim 4.

Regarding **claim 14**, Stoel discloses a system for providing data in a multiple dwelling facility, the system comprising:

means for receiving a data stream that comprises a plurality of programs (A headend [12] may provide RF signals including off-air local television channels, direct broadcast satellite programming, standard cable subscription programming, premium tier programming, such as HBO, Cinemax, etc, event pay-per-view programming, interactive menus, video-on-demand programming, interactive video games and other interactive video or multimedia services, col. 2 lines 7-14 also exhibited on fig 1);

and means for providing at least a subset of the plurality of programs to individual users in the multiple dwelling facility (System [10] is installed in a multiple dwelling unit such as an apartment complex, where each subscriber unit [16] receives content from the headend [12], col. 1 lines 66-67 and col. 2 lines 1-6 also exhibited on fig 1).

Regarding **Claim 16**, it is rejected for the same reasons stated in the rejection of claim 3.

Regarding **Claim 20**, it is rejected for the same reasons stated in the rejection of claim 7.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 2, 13 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoel in view of Okura et al. (Patent No 6,487,722). Hereinafter referenced as Okura.

Regarding **claim 2**, it is noted that Stoel fails to explicitly disclose that the headend unit is adapted to offer at least one of the plurality of programs to individual users in the multiple dwelling facility at either a first price or a second price. However, the examiner maintains that it was well known in the art to provide such element, as taught by Okura.

In a similar field of endeavor Okura discloses that the headend unit is adapted to offer at least one of the plurality of programs to individual users in the multiple dwelling facility at either a first price or a second price (Programs on demand being offered to the customer are displayed on a electronic program guide, where the customer is presented with the choice to buy the same program at two different prices: a regular price and a discounted price, col. 10 lines 22-34 also exhibited on fig 6)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stoel by specifically providing the elements mentioned above, as taught by Okura, for the purpose of attracting more customers, since there is always the type of customer that will more likely buy a product if it is at a discounted price.

Regarding **claim 13**, it is noted that Stoel fails to explicitly disclose the act of providing an on screen display in place of at least one of the plurality of programs. However, the examiner maintains that it was well known in the art to provide such element, as taught by Okura.

In a similar field of endeavor Okura discloses the act of providing an on screen display in place of at least one of the plurality of programs (An electronic program guide is presented on the screen of the viewer, where the viewer has the ability to watch any of the programs being displayed, col. 10 lines 22-34 also exhibited on fig 6)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stoel by specifically providing the elements mentioned above, as taught by Okura, for the purpose of providing an electronic menu that provides information about the shows being offered and the times at which they will be available.

Regarding **Claim 15**, it is rejected for the same reasons stated in the rejection of claim 2.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNIOR O. MENDOZA whose telephone number is (571)270-3573. The examiner can normally be reached on Monday - Friday 9am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571)272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Junior O Mendoza  
Examiner  
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/J. O. M./  
February 28, 2008

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